

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EARNEST GILBERT WASHINGTON,

Defendant.

CASE NO. CR04-00518 MAT

PROPOSED FINDINGS OF FACT  
AND DETERMINATION AS TO  
ALLEGED VIOLATIONS OF  
SUPERVISED RELEASE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on May 28, 2008. The United States was represented by Patricia Lally, and defendant was represented by Carol Koller. The proceedings were digitally recorded.

CONVICTION AND SENTENCE

Defendant had been convicted on or about February 25, 2005, on a charge of delay of mail by a United States Postal Officer. The Hon. Monica J. Benton of this court sentenced defendant to three years of probation.

1 PRIOR VIOLATIONS

2 Since the time of his original sentencing, the Probation Office has called to the court's  
3 attention alleged violations of conditions on six occasions. On February 26, 2008, the court revoked  
4 probation, sentenced defendant to time served (three days), and placed him on supervised release for  
5 one year.

6 PRESENTLY ALLEGED VIOLATIONS AND  
7 DEFENDANT'S ADMISSIONS OF THOSE VIOLATIONS

8 In an application dated May 19, 2008, USPO Michael J. Larson alleged that defendant violated  
9 the conditions of supervised release in three respects:

- 10 (1) Deviating from his approved travel permit on or before May 8, 2008;  
11 (2) Failing to follow the instructions of his probation officer since May 8, 2008; and  
12 (3) Failing to reside in, and satisfactorily participate in a Residential Reentry Center (RRC)  
13 program by deviating from his approved schedule since before May 8, 2008.


14 At the hearing on May 28, 2008, defendant admitted each of these three violations, waived any  
15 hearing as to whether they occurred, and consented to having the matter set for a disposition hearing  
16 before the Hon Mary Alice Theiler, to whom this case has been reassigned.

17 RECOMMENDED FINDINGS AND CONCLUSIONS

18 Based upon the foregoing, I recommend the court find that defendant has violated the  
19 conditions of his supervised release in the three respects alleged, and conduct a disposition hearing.  
20 That hearing has been scheduled for June 6, 2008 at 1:30 p.m.

21 Defendant has been detained pending a final determination by the court.

22 DATED this 29<sup>th</sup> day of May, 2008.

23   
24 JOHN L. WEINBERG  
25 United States Magistrate Judge